IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIDNARY ORIGINAL CIVIL JURISIDICTION

COMPANY PETITION NO.580 OF 2004

In the matter of
Octamac Engg. Ltd.

Hitesh Mechanicals Ltd. .. Petitioner

Mr.M.K.Shah for the petitioner

Mr.Tripathi for the respondent

CORAM: S.U. KAMDAR, J.

DATE : 28TH APRIL, 2005

P.C. :

. The present claim arises out of various invoices which are raised in the year 1999-2001 and the last of such invoice raised on 29.3.01. The present petition is presented in this court on 17.4.01. The claim is therefore, ex-facie barred by the law of limitation. It has been contended that because the interest is payable after 30 days the cause of action does not arise till the period of 30 days is over. The contention is without any merits. There is no credit period prescribed in the invoices. Merely, because interest claim is after 30 days does not mean that a credit is given for the said payment and/or payment is

due after 30 days. Apart thereof, there are large number of invoices each one of which are an independent cause of action of 1998, 1999 and 2000. In view thereof, claim is hopelessly barred by the law of limitation. In view thereof, there are bonafide defence in the present case and therefore company petition cannot be entertained. The same is dismissed accordingly. leave to withdraw the petition. Petition is dismissed as withdrawn.